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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,073	04/30/2001	Thomas Winkler	NC29346	4525

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EXAMINER	
LE, NHAN T	

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/846,073	WINKLER, THOMAS	
	Examiner	Art Unit	
	Nhan T Le	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 2, 4-7, 9, 10, 11, 12, 14-17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck (US 5,590,417) in view of Grube et al (US 5,590,417).

As to claims 1, 11, Rydbeck teaches a communications system, a system for extending the range of a wireless headset comprising: a phone operable to communicate wirelessly at least pursuant to a first wireless communications protocol that has a distance limit (see fig. 2c, number 120, col. 2, line 56- col. 3, line 2); a wireless headset mated with the phone and also operable to communicate pursuant to the first wireless communications protocol, the wireless headset for communicating directly with the phone utilizing a wireless communications protocol having a distance limit when positioned within the distance limit (see fig. 2c, number 10, col. 2, line 56- col. 3, line 2);

Rydbeck fails to teach a communications network backbone and a plurality of access points each coupled to the communications network backbone at one of a plurality of dispersed locations and in communication connectivity therebetween by way of the communications network backbone, an access point of the plurality emulating the

phone with the wireless headset and for communicating therewith pursuant to the first wireless communications protocol when the wireless headset is beyond the phone by more than the distance limit and an access point of the plurality emulating the wireless headset with the phone and for communication therewith pursuant to the first communications protocol when the wireless headset is beyond the phone by more than the distance limit. Grube teaches the communications network backbone (see fig. 1, number 101, col. 2, lines 31-43); and a plurality of access points (see fig. 1, numbers 106-109; 110-112; communication resource) each coupled to the communications network backbone at one of a plurality of dispersed locations and in communication connectivity therebetween by way of the communications network backbone, an access point of the plurality emulating two wireless communication units and for communicating therewith pursuant to the first wireless communications protocol when the first wireless unit is beyond the second wireless unit phone by more than the distance limit and an access point of the plurality emulating the first wireless unit with the second communication unit and for communication therewith pursuant to the first communications protocol when the first wireless is beyond the second unit by more than the distance limit (see col. 2, lines 44-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Grube into the system of Rydbeck in order to maintain the wide range communication link between the devices.

As to claims 2, 12, it is clear that as Rydbeck is modified with Grube, the above combination teaches the system of claim 1, wherein each access point of the plurality is

capable of selectively: emulating the phone utilizing the first wireless communications protocol; emulating the headset utilizing the first wireless communications protocol communicating with the phone within the distance limit from the phone utilizing the first wireless communications protocol, communicating with the headset within the distance limit from the headset utilizing the first wireless communications protocol, and interfacing with the communications system.

As to claims 4, 14, as the combination of Rydbeck and Grube is made, it teaches the system of claim 1 wherein the phone and the headset are separated by a distance greater than the distance limit, but the phone is separated from a first access point by a distance not greater than the distance limit and the headset is separated from a second access point by a distance not greater than the distance limit (see col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 5, 15, the combination of Rydbeck and Grube teaches the system of claim 4 wherein the first access point emulates the headset in communicating with the phone and the second access point emulates the phone in communicating with the headset (see col. 2, lines 44-67. col. 3, lines 1-52).

As to claims 6, 16, the combination of Rydbeck and Grube teaches the system of claim 5 wherein the communication connectivity within the communications network backbone couples the first and second access points (see col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 7, 17, the combination of Rydbeck and Grube teaches the system of claim 6 wherein communications from the phone received at the first access point are

forwarded via the communications connectivity to the second access point for transmission to the headset and communications from the headset received at the second access point are forwarded via the communications connectivity to the first access point for transmission to the phone (see fig. 1, numbers 106-109; 110-112, col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 9, 19, the combination of Rydbeck and Grube teaches the system of claim 1 wherein the phone and the headset communicate directly when the phone and the headset are separated by a distance not greater than the distance limit and communicate via the communications connectivity between two access points when the phone and the headset are separated by a distance greater than the distance limit (see fig. 1, numbers 106-109; 110-112, col. 2, lines 44-67, col. 3, lines 1-52).

As to claims 10, 20, the combination of Rydbeck and Grube teaches the system of claim 1 wherein the access points are capable of detecting when the phone and the headset are separated by a distance greater than the distance limit or whether the phone and the headset are communicating directly (see col. 2, lines 44-67, col. 3, lines 1-52).

2. Claims 3, 8, 13, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rydbeck (US 5,590,417) in view of Grube et al (US 5,590,417) and in further view of Cannon (US 6,650,871).

As to claims 3, 13, the combination of Rydbeck and Grube fails to teach the system of claim 2 wherein the phone and the headset communicate utilizing Bluetooth and the access points are each capable of emulating the phone and the heads utilizing

Bluetooth. Cannon teach the communication between various electronic devices using Bluetooth protocol (see col.3, lines 39-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cannon into the system of Rydbeck and Grube in order to allow the communication between multiple electronic devices with accommodation for larger area coverage (see col. 1, lines 18-25, as suggested by Cannon).

As to claims 8, 18, the combination of Rydbeck, Grube, and Cannon further teaches the system of claim 4 wherein the distance limit is a Bluetooth wireless, headset distance limit (see Cannon, col. 7, lines 5-14).

Response to Arguments

Applicant's arguments filed on 12/24/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the reference of Rydbeck and Grube fails teach applicant's invention. The examiner, however, disagrees with applicant. The combination of Rydbeck and Grube teaches Applicant's invention. Rydbeck teaches a phone operable pursuant to a first wireless communication protocol and a wireless headset mated with the phone, also operable pursuant to the communication protocol (see fig. 2c, number 120, col. 2, line 56- col. 3, line 2; number 10, col. 2, line 56- col. 3, line 2); Grube teaches that when the distance between handsets (ie. mobile objects such as headset or handset) get too great does communication over the communication network backbone begin (see col. 2, lines 44-67), the communication network is from one location to another location in which includes relatively local such as in the case of

a Local Area Network (see fig. 1, number 101, col. 2, lines 31-43). The combination of Rydbeck and Grube teaches that the headset and the handset (see Rydbeck fig. 2c, number 120, col. 2, line 56- col. 3, line 2; number 10, col. 2, line 56- col. 3, line 2) communicate over the LAN one access point emulates the handset and another emulates a headset to facilitate communication between the headset and handset (see Grube fig. 1, numbers 106-109; 110-112; communication resource, col. 2, lines 44-67). In addition, Grube also teaches a communication network with a plurality of access points (see fig. 1, number 106-109, 110-112, communication resources, col. 2, lines 31-43) each coupled to the communication network backbone at one of a plurality of dispersed locations, wherein the access points are capable of selectively establishing a communication path within the communication network backbone between an access point emulating the phone and an access point emulating the headset to provide communication between the phone and the headset when the phone and the headset are separated by a distance greater than the distance limit (see col. 2, lines 44-67). Applicant also argues that the combination of Rydbeck and Grube cannot provided a system that utilized the common protocol. The examiner disagrees. Since both Rydbeck and Grube both teach the radio communication system between the communication units (i.e. headset and handset). They are obvious using the same communication protocol.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7892.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhan Le

Nguyen VO
6/25/2005

NGUYEN T. VO
PRIMARY EXAMINER